Restoring normal living conditions after periods of turbulence is an essential dimension of peacekeeping operations. Unfortunately, once stabilization is achieved, the fight to overcome the root causes of conflict, including the issue of extreme poverty, tends to fade away and does not receive the attention it should. It is therefore imperative to pay special attention to the deeper problems facing post-conflict countries and to help them to restore the conditions necessary for relaunching growth and development. Haiti's experience over the past 14 years has shown that the factors determining the success of a peacekeeping operation do not necessarily depend on its duration, but rather on the momentum it launches for strengthening the capacity-building essential to the economi and social modernization of the host country on every front, without, however, neglecting the consolidation of the institutions that uphold the rule of law, which goes hand in hand with development.

The key issue facing the international community is that of guaranteeing the supremacy of international law in a society that is sadly too often dominated by a logic of force and confrontation. The Republic of Haiti endorses a vision of international law and peace that attaches great importance to the responsibility of protecting and ensuring respect for fundamental human rights, as well as protecting all communities against abuses and violations of all kinds, including genocide, war crimes, ethnic cleansing and crimes against humanity.

International law is an essential tool in our collective quest for a more just and peaceful international order. The Republic of Haiti believes that to be effective, international action for peace must be rooted in the universal values on which our Organization is founded, draw its legitimacy from international law and support national legislation that enables its effective application. We hope that today's debate can open avenues for reflection on the importance of strengthening the corpus of international legal rules, which must be upheld by all international actors if they are to be effective. Let us work to make international law a more effective tool for building peace that is based on freedom, justice, solidarity, development and respect for the equal dignity of all people.

The President: I now give the floor to the representative of Serbia.

Mr. Milanović (Serbia): I thank you, Mr. President, for convening today's open debate on this crucial topic. We share the opinion expressed by many delegations today that the world is facing increasing challenges. That is why it is vital to observe the fundamental principles of the Charter of the United Nations and, in particular, to respect international law and the rules-based international order.

One of the basic commitments of my country's policy is to full respect for the peaceful solution of disputes in international relations, in accordance with the general principles of international law and the Charter. The use of peaceful means in resolving disputes has universal value because it is closely connected to the maintenance of international peace and security.

In addition to their retributive purpose, the basic functions of the international justice and criminal tribunals provided for by the international system of criminal law and deriv d from the Charter of the United Nations include combating impunity; punishing perpetrators who have been established as individually criminally responsible for the commission of war crimes and other internationally recognized crimes; deterring the commission of future crimes; rehabilitating the convicted; protecting society and the victims of crimes and reconciling warring peoples.

The shared goals of the States Members of the United Nations relative to the implementation of the principles of international and humanitarian law, particularly combating impunity for the most grievous criminal offences, are achieved through criminal prosecution by international criminal institutions, special tribunals and courts and national judicial mechanisms. Member States' efforts aimed primarily at fighting impunity at international and national levels do not always correspond with the set goals. On the other hand, the efforts that some of them make in that regard are not always fully appreciated.

The International Tribunal for the Former Yugoslavia was established by the Security Council with the aim of fighting impunity and ensuring that all responsible for the commission of the most grievous crimes — including individuals in Government and military positions at the highest level — are held accountable, thereby contributing to the establishment and maintenance of peace. Regrettably, Serbia's experience with the work of the Tribunal has led us to believe that while it has completed its mandate, it has

failed to implement the goals established in the relevant Security Council resolutions. That is particularly true with regard to the average length of proceedings, the failure to honour procedural guarantees, the structure of the indictments and, in that regard, the decisions and judgments made. Serbia fully cooperated with the Tribunal, but its decisions will be remembered in my country for their inconsistency with regard to the crimes committed against Serbian victims by members of the other peoples of the former Yugoslavia. Against the backdrop of such an imbalance in the Tribunal's decisions, it is hardly possible to say that in its pursuit of transitional justice in the region the Tribunal achieved one of its main objectives, that of regional reconciliation.

Nevertheless, my country remains committed to respect for international law and its international obligations. Furthermore, we are constantly improving conditions within our national justice system and are also putting special emphasis on promoting judicial cooperation with other countries of the region. Together we are working on the promotion of basic values and common understanding, aimed at building regional stability and reconciliation.

For Serbia, the ongoing process of making sure that justice is done did not end this past December with the Tribunal's completion of its tasks. We are well aware of the challenges encountered by the Specialist Chambers established to try war crimes in Kosovo and Metohija, but we expect that they will be overcome and that this judicial institution will finally commence its work. Serbia welcomes the efforts that the international community has made so far to ensure the necessary conditions for the unencumbered work of the Chambers. We believe that the international community will persevere in demonstrating the clear political will needed to bring all perpetrators of war crimes to justice, regardless of their nationality, and to use its influence to prevent any attempt to obstruct the work of the Chambers. Serbia believes that the prosecution of war crimes will significantly contribute to regional stability and the restoration of trust among Serbian and other non-Albanian communities in the institutions of the international community and, by extension, to reconciliation in Kosovo and Metohija.

The President: I now give the floor to the representative of Myanmar.

Mr. Suan (Myanmar): My delegation aligns itself with the statement delivered earlier by the representative of Venezuela on behalf of the members of the Movement of Non-Aligned Countries.

With trust and faith in the purposes and principles of the Charter of the United Nations, Myanmar joined the Organization soon after its independence in April 1948. As a responsible member of the United Nations and a party to many international conventions, including human rights instruments, we have always been in full compliance with international law and fulfilled its obligations. We strongly believe in the rule of law. The strengthening of international law and the primacy of justice are key to maintaining international peace and security. The Charter has entrusted the Security Council and the International Court of Justice with primary responsibility for upholding justice and international law, in order to keep the world safe and secure so that we can all live in peace and prosperity.

We firmly believe that in discharging its responsibility to maintain international peace and security by safeguarding international law, the Council should be guided by the principles of universality, objectivity and non-discrimination. However, we have recently been deeply alarmed by the growing signs that some Western Powers and other groups are using international law and international humanitarian law as a tool to serve their political purposes. A total disregard for sovereignty and territorial integrity, and contempt for a nation's dignity, will not serve the United Nations in its noble objective of maintaining global peace and security. In recent months and days we have witnessed many incidents where international norms have been threatened. Some of the countries advocating for the protection of human rights and calling for punitive action against alleged perpetrators of human rights violations are those that have been committing far worse human rights abuses under the protection of their powerful patrons. Such hypocrisy, double standards and politicization of humanitarian crises should be avoided in our pursuit of justice and the rule of law.

The issue of Rakhine state has been framed and orchestrated in a way designed to escalate it into an international issue in order to justify severe action by the Security Council. However, that scenario could not be further from the truth. Rather than promoting provocative one-sided narratives, advocating retribution and creating misunderstanding and mistrust among different communities, we should rather be promoting understanding, peace and reconciliation. We should work together immediately to alleviate the plight of all

the people affected by the violence in Rakhine state. The Security Council should encourage Bangladesh to cooperate immediately and fully with Myanmar in order to implement bilateral arrangements for beginning the repatriation process as soon as possible.

All States Members of the United Nations, regardless of their size or power, are equally obliged to abide fully by the principles and purposes of the Charter in letter and spirit. Only then will we be able to enjoy peace, security, human rights and social and economic development, as envisioned by the founding fathers of our Organization.

The President: I now give the floor to the representative of Bangladesh.

Mr. Bin Momen (Bangladesh): We thank the Polish presidency of the Council for organizing this high-level open debate and appreciate the information and insights shared by our briefers. We acknowledge the depth of the statements delivered today and generally align ourselves with most of the recurring themes that other delegations have dwelled on. The importance of our deliberations has been brought home once again by the violence recently committed in the State of Palestine and in other conflict situations around the world.

As a responsible, committed and contributing State Member of the United Nations, Bangladesh underscores the values and principles embedded in multilateralism and international law in the promotion and maintenance of international peace and security. In his address to the General Assembly in 1974, the father of our nation, Bangabandhu Sheikh Mujibur Rahman, said, "Peace is an imperative for the survival of mankind.... Peace to endure must, however, be peace based upon justice" (*A/PV.2243, para. 15*).

Echoing his words, our Prime Minister, Sheikh Hasina, speaking in 2012 at the high-level meeting of the General Assembly on the rule of law at the national and international levels, recognized

> "the need to reaffirm humankind's faith in the just, equitable and fair application of the rule of law, the Charter of the United Nations and its principles of justice and international law and the Statute of the International Court of Justice for the peaceful settlement of disputes." (*A/67/PV.3, p.32*)

She then reiterated a fundamental premise of our advocacy for a rules-based multilateral system.

> "To have a just world order based on the rule of law, powerful nations must respect international legal systems and multilateral treaties and support the fair and just application of customary international law in the multilateral decision-making process. A greater voice and representation for developing countries in ... major global institutions ... are vital to ensuring the principle of equity." (*ibid., p.33*)

In keeping with our leadership's commitment to the promotion of international law, we have consistently had recourse to international legal and dispute settlement mechanisms to resolve outstanding political or trade-related issues with our neighbours and other countries. Our initiative to settle our long-standing maritime boundary delimitation issue with India and Myanmar through legal, peaceful means is a particular case in point.

It has been generally acknowledged that in fulfilling its primary mandate for the maintenance of international peace and security, the Security Council has a mixed record of using the tools available to it under the Charter of the United Nations and international law for promoting the peaceful settlement of disputes. The Council has set a number of useful precedents during its long history, but it has failed to replicate those in other, comparable situations owing to a number of factors. We have reason to believe that while there is indeed scope for innovative approaches, the Council may find it useful to take a closer look into its own annals in order to examine the context and efficacy of its use of the various tools and resources at its disposal in specific circumstances.

Bangladesh is currently dealing with the overwhelming Rohingya humanitarian crisis, which Council members recently had the occasion to witness first-hand. The forcibly displaced Rohingya had a coherent and consistent narrative to share about the atrocity crimes they were subjected to at the hands of Myanmar's security forces and local extremist elements. They made a strong plea for justice and accountability to Council members. Since the renewed eruption of violence against the Rohingya last year, nearly eight months on, a culture of impunity seems to be taking hold in Myanmar yet again. Beyond some lip service about bringing the perpetrators of violence to justice, the Myanmar authorities have conducted no credible independent investigation or prosecution. On the contrary, any incidence of large-scale violence

or persecution has been repeatedly denied by the responsible quarters.

It is now widely recognized that the question of justice and accountability for the crimes committed against the Rohingya, including what the United Nations High Commissioner for Human Rights has termed a textbook case of ethnic cleansing, is inextricably linked to the issue of creating a situation that is conducive to their safe, dignified and voluntary return to Rakhine state. Probably in order to deny that fundamental reality, the Myanmar authorities have resorted to one of their long-standing methods, which is shifting the onus onto Bangladesh, this time for our alleged non-cooperation in the resumption of repatriation. We urge all Council members to also seriously consider the Rohingya crisis in the context of accountability and justice. For the first time, the Secretary-General's report on conflict-related sexual violence (S/2018/250) cited the Myanmar Armed Forces for the alleged crimes documented by his Special Representative. The Prosecutor of the International Criminal Court has requested a ruling by the Court on its jurisdiction with regard to the forced deportation of the Rohingya to Bangladesh, which is a State party to the Rome Statute.

Regrettably, the Human Rights Council's fact-finding mission continues to be denied access to Myanmar, including Rakhine state. In line with the Human Rights Council, many Member States, including some Security Council members, are interested in exploring the possibility of setting up an international, impartial and independent mechanism for investigating and documenting the crimes committed against the Rohingya. Against that backdrop, we want to once again remind the Council about the range of tools and options available to it for effectively pursuing the question of accountability with the Myanmar authorities. The inhumane suffering of the Rohingya should ensure that no Member State considers a culture of impunity acceptable in the absence of effective, demonstrable action by the Council in response to gross violations of international humanitarian law and human rights law.

The President: I now propose that the Council invite the observer of the Observer State of Palestine to the United Nations to participate in this meeting, in accordance with its provisional rules of procedure and previous practice in this regard.

There being no objection, it is so decided.

I give the floor to the observer of the Observer State of Palestine.

Mr. Bamya (Palestine): At the outset, I would like to express our appreciation to the Polish presidency for organizing today's important debate on a critical matter at this critical time, and to thank the briefers for their important contribution.

International law governs our international relations. Its rules have been formulated collectively and are binding for all. The major developments of international law have occurred as a reaction to horrific tragedies in an attempt to prevent their recurrence and preserve future generations. After the horrors of the Second World War, including the Holocaust, humankind established the United Nations, adopted the Charter of the United Nations and the Universal Declaration of Human Rights, formulated the Geneva Conventions and formed its first and still imperfect international criminal courts. At that time, in 1948, while humankind was enacting that set of rules to preserve lives and rights, the Palestinian people were enduring the Nakba, the dispossession and forced displacement of our nation and denial of our rights that continues to this day.

Despite being the victims of double standards that have allowed Israel's impunity to continue and enabled the widespread and systematic crimes against our people to recur, the Palestinian people have continued to place their faith in international law and have reaffirmed time and again their commitment to international law and to peaceful, legal and diplomatic means for achieving their inalienable rights. The State of Palestine has joined international human rights law instruments without reservations. It has joined the Geneva Conventions and their Additional Protocols and declared its commitment to abiding by the International Court of Justice's decisions and opinions. It has joined the International Criminal Court and granted it broad jurisdiction.

The occupying Power's intentional direction of attacks at our civilian population; its transfer of parts of its own civilian population into the territory it occupies; its deportation or transfer of the population of the occupied territory within or outside that territory; and its persecution of any identifiable group or collective, including a national group, all constitute war crimes under the Rome Statute and, in certain circumstances, crimes against humanity. There can be no doubt that Israel is committing such actions in broad daylight,

intentionally and without shame or fear of being held accountable. I say without shame because Israel is now trying to make us responsible for its occupation of our land and the oppression of our people, and it is claiming a right to security for itself, the occupying Power, while denying a right to security and protection for the occupied people.

International law is the law for all of us, and it must be applicable to all. All Security Council resolutions are binding and should be upheld. Impunity and double standards undermine international law and, as such, threaten international peace and security. Individual States and United Nations bodies must fulfil their responsibilities by respecting and ensuring respect for international law. When it comes to Gaza, all we are asking is that the law be implemented. Let us just restate the facts. Israeli snipers, implementing orders received from the highest levels of Israel's political and military bodies, have opened fire on people, including children, protesting from the other side of the border, using live ammunition, including ammunition that causes serious and irreversible injury, and often shooting people in the back, head or chest while they stood hundreds of metres away. They have killed 100 people and wounded thousands. Israel has not challenged those facts, and should it do so, we have called for an impartial, independent and transparent investigation. If they are so confident that they are right, let them accept it.

Are there laws that we are unaware of that justify such actions? For Israel to yell "security" or "terrorism" is not sufficient grounds for international law to yield or surrender. Those who shield Israel from accountability for such actions, as well as those who blur the lines between legal actions that can be undertaken by States to ensure security and self-defence and what constitutes a war crime or crime against humanity, embolden Israel in pursuing its crimes. There can be no justification for colonization, forcible displacement, the use of unlawful force or arbitrary detention, and yet today there are 650,000 Israeli settlers in the Palestinian territory that has been occupied since 1967. Innocent civilians are targeted and killed in indiscriminate attacks. More than 800,000 Palestinians, the equivalent of 40 per cent of our male population in the occupied territory, have been imprisoned or detained since 1967, including parliamentarians, children, women, journalists, academics and artists.

The Israeli representative spoke so proudly of Israeli courts today, and yet those courts are complicit in the commission of these crimes. B'Tselem, explaining its decision to cease cooperating with the military law-enforcement system, including Israeli military courts, stated that there is no longer any point in pursuing justice and defending human rights by working with a system whose real function is measured by its ability to continue to successfully cover up unlawful acts and protect perpetrators. How can we explain that reality? By the number of Israeli leaders and senior military officials who have been held accountable for these actions — none. In 70 years, none. No sanctions have even been discussed here, at any point in time, when it comes to Israel. No measures of accountability have ever been undertaken. We are the victims of Israeli colonialism and oppression but we are also the victims of impunity, without which these crimes would have ended a long time ago. Without them, we would have achieved our freedom and fulfilled our inalienable rights and peace would have prevailed in our region.

Accountability is the path to peace. There is indeed a bias when it comes to Israel in the United Nations and beyond. It is that bias that is shielding it from accountability. Despite the clarity of the law — as reaffirmed in countless United Nations resolutions and by the International Court of Justice, treaty bodies, special procedures, virtually every single body on Earth and every State — Palestine remains the most important test of the credibility of international law and of the international system, especially at a time when the laws and system are more at risk than ever. This is a test that the international community cannot afford to fail.

The President: Two delegations have asked for the floor to make further statements.

I now give the floor to the representative of Cyprus.

Ms. Krasa (Cyprus): I regret having to take the floor to make some additional remarks in response to the comments by Turkey. I will be brief.

No country can lawfully intervene in another country unless it does so in accordance with explicit provisions in the Charter of the United Nations. What Turkey did in 1974 was an act of aggression in execution of a plan devised much earlier, an invasion that turned into an occupation that continues to this day. It is for that reason that since then the United Nations has, in several resolutions, demanded respect for the island's independence and territorial integrity, as well as

the withdrawal of foreign troops from it. Turkey has consistently ignored all of those resolutions.

The President: I now give the floor to the representative of Turkey.

Mrs. Zeytinoğlu Özkan (Turkey): The representative who has just spoken does not represent the entire island of Cyprus. The necessary reply to that statement will therefore be given by the representative of the Turkish Republic of Northern Cyprus.

The meeting rose at 7.45 p.m.